

CHAPTER 426.

An act for the better drainage of swamp lands in Wayne county.

The General Assembly of North Carolina do enact :

SECTION 1. That John R. Hood, Daniel A. Cogdell, James McAllin, Needham C. Cogdell and Job Worrick be appointed commissioners whose duty it shall be, on or before the first day of August, 1889, to lay off Falling creek, in Wayne county, from the Hall old mill-seat to a point known as Swinnee's ford, into sections of convenient length, and to appoint one overseer to each section, who shall hold his office for a term of two years and who shall be a land-owner in the section to which he is appointed overseer.

Commissioners
to lay off Falling
creek in sections.

Overseers.

SEC. 2. That a majority of said commissioners shall have power to elect one of their number chairman. and may fill vacancies in their number or that of overseer, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of said county of Wayne shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

Chairman.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land upon a level with and below high-water mark of each individual's land on the stream between the points mentioned within section first of this act and lying in one-fourth of a mile of the same, and shall furnish each overseer with a copy of the estimate of his section in which these lands be; and upon notice of seven days by said overseers, shall furnish one sufficient hand, with approved tools such as shall be notified by the overseer to furnish, for every twenty acres and one for every fraction of ten acres in the meaning of this act, and on failure of such requirement shall forfeit and pay one dollar per day for failure of each hand, which may be recovered by said overseer by warrant as in case of failure to work on public roads.

Duty of commis-
sioners.

Land-owners to
furnish hands.

Penalty.

SEC. 4. That it shall be the duty of the commissioners, in laying off sections as provided for in section first of this act, to distribute the labor among the land-owners in proportion to the number of acres of bottom land owned by them within the estimate provided for in section three of this act as equally as may be, and allot to the overseer of each section the hands required of the owners of the lands embraced in his section.

Duty of commis-
sioners to dis-
tribute labor.

SEC. 5. That it shall be the duty of each overseer, with the hands so provided, to work in each and every year, within the bounds of their respective sections, not less than three nor more than twenty days, at the discretion of the commissioners, in the channel of said stream, with the power to straighten, remove obstructions and improve the banks thereof: *Provided*, that said commissioners may, in their dis-

Duty and powers
of overseer.

Proviso.